

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

ALSTON&BIRD LLP

RECEIVED
CENTRAL FAX CENTER

OCT 31 2005

One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
404-881-7000
Fax: 404-881-7777

TELECOPY PLEASE DELIVER AS SOON AS POSSIBLE

Date:

October 31, 2005

Recipient:

Mail Stop Amendment

Company:

United States Patent & Trademark
Office

Fax Number:

571-273-8300

Voice Number:

Sender:

Scott E. Brient

RECEIVED
OIPE/IAP

Message:

NOV 01 2005

Number of Pages: (including cover page) 3

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT 404-881-7728.

USER CODE:	BRIES	REQUESTED BY:	Laisha Richardson
CLIENT/MATTER:	47144/275346	OPERATOR:	<i>SK</i>

Attorney's Docket No. 47144/275346

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Kirkpatrick Confirmation No.: 2926
 Appl No.: 10/807,460 Group Art Unit: 3644
 Filed: March 22, 2004 Examiner: Palo, Francis T.
 For: MODULAR, PORTABLE, BOTTOMLESS PLANTER

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RECEIVED
 CENTRAL FAX CENTER
 OCT 31 2005

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated July 29, 2005, in which the Examiner has required restriction between Group I, namely Claims 34-37, and Group II, namely Claims 1-33 and 38-39.

Applicant hereby provisionally elects with traverse to prosecute the claims of Group II, Species I, Sub-Species H (namely Claims 1-5, 9, 15, 17, and 19-21) and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned directly at (404) 881-4626 so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Meredith W. Struby
 Registration No. 54,474

CUSTOMER NO. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Atlanta Office (404) 881-7000 Fax Atlanta Office (404) 881-7777	CERTIFICATION OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below. Laisha Richardson
--	---

[Signature]

10/31/05

Date